UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CENTRAL RAILROAD, INC., Plaintiff, v. SPRINGFIELD TERMINAL RAILWAY COMPANY and BOSTON AND MAINE CORPORATION, Defendants	Civil Action No.: 04-30235-MAP

PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF THE DEFENDANTS' LIABILITY EXPERT, ROGER D. BERGERON

The plaintiff, New England Central Railroad, Inc. ("NECR"), hereby files this *Motion in Limine to Exclude the Testimony of the Defendants' Liability Expert, Roger D. Bergeron.* As grounds therefore, the defendant states as follows:

I. FACTUAL BACKGROUND:

On July 3, 2004, employees of the STRC/B&M (Peter Kari and Joseph Scappace) were operating an STRC/B&M freight train over a section of the NECR's mainline (the Connecticut River Line) which is subject to the *Trackage Rights Agreement* ("Agreement") in effect between the parties. See *Amended Complaint* at ¶ 20; *see also* the parties' *Joint Pre-Trial Conference Memorandum* ("Memorandum"), at § II. The locomotives and freight cars involved in the derailment were either owned by and/or in the possession, custody and/or control of and being operated by the defendants. Id. The train derailed and caused extensive damage to the NECR's trackage and related property in the area of the derailment. See *Amended Complaint* Id. at ¶ 21-26; *Memorandum*, at ¶ II, C.

The initial derailment occurred at Mile Post 10.18 when a portion of a single freight car came off the tracks. Id. The defendants' crew failed to immediately recognize that this freight car had derailed and continued to operate the train as if there was nothing wrong, dragging the car approximately 5 miles, causing damage to the NECR's trackage and related structures all along the way. *Memorandum*, at ¶¶ II, F and G. The derailed freight car ultimately, at Mile Post 5.7,[1] caused several other railcars to also derail, resulting in a pile up of railcars. Id. at ¶ II, H. The pile up caused additional damage to the track and track structure at and around Mile Post 5.7. Id. at ¶ II, I. The derailment shut down rail traffic over the Connecticut River Line for a period of time after the derailment. Id. at ¶ II, J.

A. June 8, 2004, FRA Track Geometry Test:

On June 8, 2004, less than one month before the derailment, the Federal Railroad Administration ("FRA") had conducted a "Track Geometry Test" on the Connecticut River Line.[2] *Memorandum*, at ¶ II, M. According to the June 8, 2004 Track Geometry Inspection Report, there were areas on the Connecticut River Line where the classification of the track was reduced due to defects that were determined by the geometry test. The NECR immediately after receiving the Report imposed the reduced classifications at those areas and set about rectifying the most serious of the defects. *See* the transcript of the deposition of Michael Lawyer, the relevant portions of which are attached as Exhibit "A," at p. 23-29.[3]

[1] The train was traveling from north to south. The mile posts are descending when traveling in this direction.

[2] A "Geometry Test" is performed by a specially equipped weighted railcar that travels over the tracks and records various measurements of track conditions, including defects.

[3] Mr. Lawyer is the NECR's Roadmaster. His duties include overseeing the condition of NECR's track, to operations of the NECR's track department and compliance with federal regulations concerning track condition, maintenance, inspection and repair.

B. Point of Derailment and Nearest FRA Defect:

The initial point of derailment was MP 10.18. There were no defects found at this point by the June 8, 2004, *Track Geometry Test. See Rule 30(b)(6) Deposition of Springfield Terminal Railway by Roger Bergeron*, a copy of the relevant portions of which are attached as Exhibit "B," at p. 82-84. The closest defect noted to the point of derailment was located at MP 10.16, which was approximately 105.6 feet south of MP 10.18. Id.; see also *Track Geometry Inspection Report*, a copy of the relevant portions of which is attached as Exhibit "C." Thus, by the time the derailed freight car reached the defect at MP 10.16, it had already come off the track and its wheels were on the ground. The allegedly defective condition of the track at MP 10.16, therefore played no role in causing the derailment.

C. Derailment Damage to the NECR's Line Between MP 10.18 and MP 5.7:

As a result of the derailment, the NECR was required to rebuild a substantial amount of its *Line* between MP 10.18 and 5.7 which included the replacement of over 7,000 ties, 15,000 tie plates, a bridge deck, segments of rail, tons of ballast, and rebuilding three grade crossings. The NECR also suffered lost time incentive revenue from an agreement that it had with the National Railroad Passenger Corporation ("AMTRAK"),[4] losses incurred from car hire and delays, as well as moneys paid to its employees and materials required in order to restore the track back to its previous condition.

D. Mr. Bergeron's Expert Opinion Testimony:

Mr. Bergeron, to the extent that he has opined concerning issues relating to railroad operations and/or mechanical issues, is not qualified to render such opinions, therefore any reference to such opinions within his declarations must be stricken. Mr. Bergeron has testified

[4] Certain AMTRAK passenger trains travel daily over the Connecticut River Line. Exh. B at ¶ N, p. 11.

that during his career with the railroad that he has been a trackman (laborer), engineering surveyor, construction inspector, resident engineer, a track supervisor, roadmaster, engineer of track, engineer of production and construction, and at the times relevant held the position of assistant vice-president of engineering. *See Declaration of Roger D. Bergeron in Support of Defendant/Counterclaimants' Motion for Partial Summary Judgment* ("Declaration"), ¶ 2. He has been employed by the defendants or their predecessor entities for the last 36 years. Id. Mr. Bergeron attended college where he studied civil engineering and architecture, but never graduated. Exhibit "B," at 12-13. His responsibilities for the defendants, at the time of the derailment, consisted of the maintenance and inspection of all track and roadbed structures and signal apparatus. *Declaration* at ¶ 3. At no time, has Mr. Bergeron held himself as having training, experience, and/or qualifications concerning railroad operations and/or mechanical matters.

II. DISCUSSION OF LAW:

A. Mr. Bergeron's Opinions Concerning Railroad Operations or Mechanical Matters are Inherently Unreliable:

The defendants intend to prove the NECR's alleged gross negligence through Mr. Bergeron's alleged expert testimony; however, Mr. Bergeron must be precluded from testifying concerning operational and/or mechanical issues or matters due to the fact that his opinions are based on solely his own speculation and, therefore, fail to meet the requirements of Fed. R. Evid. 702 and the standards established by the Supreme Court in Daubert v. Merrill-Dow Pharmaceuticals, Inc., 509 U.S. 579, 592-93 (1993) (requiring that to be admissible, an expert's opinion must be based on "methods and procedures of science," and not simply pure speculation) and failed to follow the defendants' procedures for investigating the cause of derailments. In the absence of the requisite expert testimony, the defendants cannot meet their burden of proving the

cause of the derailment and thus their claim of gross negligence.

The admissibility of expert testimony is governed by Fed. R. Evid. 702,[5] which states in pertinent part:

> [i]f scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

Fed. R. Evid. 702. The rule generally embodies the following factors, which were established by the Supreme Court in Daubert v. Merrill Dow Pharmaceuticals, Inc. and Kumho Tire Co. v. Carmichael, which a trial judge must consider when determining the admissibility of expert testimony:

1. whether the expert's technique or theory can be or has been tested – that is, whether the expert's theory can be challenged in some objective sense, or whether it is instead simply a subjective, conclusory approach that cannot reasonably be assessed for reliability;

2. whether the technique or theory has been subject to peer review and publication;

3. the known or potential rate of error of the technique of theory when applied;

4. the existence and maintenance of standards and controls; and,

5. whether the technique or theory has been generally accepted in the scientific community.

[5] Fed. R. Evid. 702, and Daubert v. Merrill Dow Pharmaceuticals, Inc., 43 F.3d 1311, 1317 (9th Cir. 1995) govern the admissibility of expert testimony in FELA cases. *See* Claar v. Burlington N. R.R. Co., 29 F.3d 499, 504 (9th Cir. 1994) (explaining that "[t]he standard of causation under the FELA and the standards for admission of expert testimony under the Federal Rules of Evidence do not affect one another."); *see also* Eggar v. Burlington N. R.R. Co., 1991 U.S. Dist. LEXIS 19240, *5-6 (D. Mont. 1991) (stating that the standard of proof applicable to FELA cases does not modify "the evidentiary standards for evaluating the admissibility of expert testimony.").

Fed. R. Evid. 702, *2000 Amendment*; *see also* Daubert, 509 U.S. at 591-95.[6]

Trial judges are responsible for acting as gatekeepers who serve "to exclude unreliable expert testimony." Fed. R. Evid. 702, *2000 Amendments*; *see also* Daubert, 509 U.S. 579. When faced with the proffer of expert testimony under Rule 702, the trial judge, pursuant to Fed. R. Evid. 104(a),[7] must make a preliminary assessment of whether the testimony's underlying reasoning or methodology is scientifically or technically valid and can be properly applied to the facts at issue. Daubert, 509 U.S. at 592-93; Kumho, 526 U.S. 137, 141 (1999). The Daubert Court reasoned that an expert's opinion must be based on "methods and procedures of science," rather than on "subjective belief or unsupported speculation" to be admissible. Daubert, 509 U.S. at 592-93.

The more subjective and controversial the expert's inquiry, the more likely the testimony is to be excluded as unreliable. *See* O'Conner v. Commonwealth Edison Co., 13 F.3d 1090 (7th Cir. 1994). An expert's opinion cannot be based solely on the weight of his own authority: "[n]othing in either Daubert or the Federal Rules of Evidence requires a district court to admit opinion evidence that is connected to existing data only by the *ipse dixit* of the expert." Polaino v. Bayer Corp., 122 F. Supp. 2d 63, 67 (D. Mass. 2000), *quoting* General Elec. Co. v. Joiner, 522 U.S. 136, 146 (1997). In addition, "[t]he expert must explain precisely how [he] went about

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[6] Courts have used additional factors in determining whether an expert's testimony is sufficiently reliable to be admitted into evidence. *See, e.g.* Daubert, 43 F.3d at 1317 (stating that one such additional factor is whether an expert is "proposing to testify about matters growing naturally and directly out of research they have conducted independent of the litigation, or whether they have developed their opinions expressly for purposes of testifying"); *see also* Claar, 29 F.3d 499 (excluding the expert's testimony for failure to account for obvious alternative explanations). In In re: Paoli R.R. Yard PCB Litigation, the court suggested that the following additional factors should be considered: (1) the existence of standards controlling the technique's operation; (2) the relationship of the technique to methods which have been established to be reliable; (3) the qualifications of the expert witness testifying based on the methodology; and (4) the non-judicial uses to which the method had been put. 35 F.3d 717, 742 n.8 (3rd Cir. 1994).

[7] Under Fed. R. Evid. 104(a), the proponent has the burden of establishing that the pertinent admissibility requirements are met by a preponderance of the evidence. *See* Bourjaily v. United States, 483 U.S. 171 (1987).

reaching [his] conclusions and point to some objective source...to show that [he has] followed the scientific method, as it is practiced by (at least) a recognized minority of scientists in [his] field." Lust v. Merrell Dow Pharmaceuticals, Inc., 89 F.3d 594, 597 (9th Cir. 1996), *citing* Daubert, 43 F.3d at 1317.

For several reasons, Mr. Bergeron's opinions simply cannot pass muster under Rule 702, Daubert and its progeny. He has not based his opinions on any regulations, guidelines or industry standards governing the specific conditions that existed at the time of the derailment concerning the operation and/or mechanical operation of the railcars. He has failed to personally follow any scientific method and has pointed to no scientific studies or tests to support his opinions concerning the operational and/or mechanical aspects of the cause of the derailment. Further, even if he did have the requisite experience, Mr. Bergeron failed to follow the rules and procedures adopted by the defendants concerning investigating the cause of derailments.

Mr. Bergeron was not responsible for and made no inspection of the mechanical aspects of the derailment investigation.[8] Mr. Bergeron was at the derailment site to gather facts and investigate the derailment under the engineering discipline and is an FRA certified track inspector. Exh. B, p. 24, 54-55. He was the person who, on behalf of the defendants, made a determination as to the cause of the derailment. Id. at .52-53.

The transportation, mechanical and engineering officers of the defendant did not assist Mr. Bergeron in determining the cause of the derailment. Id,. at 53-54. Mr. Bergeron was unable to personally interpret and required the assistance of a mechanical officer to review and

[8] Jimmy Austin from the Mechanical Department was responsible for the re-railing operations and Walter Rice from the Engineering Department was responsible for track issued for the Springfield Terminal Railway Company ("STRC") at the derailment site. Exh. B, 18. Jimmy Austin was in charge of the derailment site on behalf of the STRC. Id. at 23.

interpret the event recorder download.[9] He also viewed the marks on the rail at the point of the derailment as part of his investigation, but he is not a field engineer. Id. at 57. The derailment pile-up site had already been altered by other workers by the time he arrived. Id. at 60. Mr. Bergeron relied on a mechanical officer to tell him that no mechanical components led to the derailment, but he did not know how the mechanical officer was able to come to that conclusion and failed to investigate those component parts himself. Id. at 69-70. Mr. Bergeron's sole contact with the operations officer was to inquire about the speed of the train, the throttle position of the engine, and the crew's rest time. Id. at 72-74. The track department officer never sat with Mr. Bergeron and discussed his findings or the derailment. Id. at 74.

Mr. Bergeron is not a qualified locomotive engineer and he is not aware whether the crew was ever interviewed concerning the derailment, therefore he has no knowledge, except for being read the event recorder download, as to whether the train was being properly operated at the moment of the derailment. Id. at 103 and 108. He further admits that he did not follow the defendants' rules and procedures for investigating derailments and did not investigate many of the possible causes for the derailment. Id. at 105, 126-131. In sum, his testimony is not at all based on any scientific principles, but solely on his subjective opinion, based on his observations at or near MP 10.18 as to what caused the derailment.

Mr. Bergeron's opinions are also not based on sufficient facts or data, nor are they the product of any reliable principles or methods which have been applied to this case. He did not inspect the railcar which derailed, appeared at the derailment site after it was changed or modified by clean-up crews, and did not inspect the mechanical component parts of the railcars which did and did not derail.

[9] The trains are equipped with an event recorder which records the settings of the throttle, brakes, and other various operating components as the train is operated on the tracks.

It is clear that under both Rule 702 and Daubert, to be admissible an expert's opinions must be based on scientific methods, not mere speculation or conjecture. That is simply not the case here. Mr. Bergeron's opinions are nothing more than speculation and conjecture, are also irrelevant pursuant to Fed. R. Evid. 401 and 402, and are therefore inadmissible.

1. Mr. Bergeron Is Not Qualified to Opine as to the Cause of the Derailment:

Mr. Bergeron is expected to offer opinions on the cause of the derailment which includes disciplines from the engineer, mechanical and operational fields. He is solely a certified track inspector who has no training or experience in the mechanical and operational disciplines. He is not a mechanical engineer nor does he have the education, training or expertise in machinery design, operational analysis or even accident reconstruction in this area. He is not a certified locomotive engineer nor has he had any training and experience in locomotive operations. He is simply a certified track inspector and business development agent for the defendants.

WHEREFORE, for all of the above-stated reasons, the plaintiff's *Motion in Limine* should be allowed.

Respectfully submitted,
NEW ENGLAND CENTRAL RAILROAD, INC.,
by its attorneys,

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Dated: August 10, 2007

EXHIBIT "A"

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CENTRAL
RAILROAD, INC.
Plaintiff,

COPY

VS. Civil Action No.
04-30235-MAP

SPRINGFIELD TERMINAL RAILWAY
COMPANY, ET AL.
Defendants.

D E P O S I T I O N
-of-
MICHAEL LAWYER

Taken on Tuesday, January 9, 2007,
at the offices of
New England Central Railroad, Inc.
St. Albans, Vermont.

APPEARANCES:
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cause wheel lift?

A. You're asking me to speak to something that I'm not an expert on.

Q. I'm asking -- I'm just asking you for your position.

A. I can't say what degree of lift would be caused by what condition of track. All I know is that the CFR and the Federal Railroad Administration give a list of criteria that are safe for certain standards of track, and that's what we go by.

Q. Okay, other than dropping the speed on the line to the next class, what other remedial options were available, if any?

A. Repair the condition.

Q. Was that considered?

A. Yes.

Q. Okay. When was that option considered?

A. It's considered immediately after the test, but we repair them not necessarily in the order they were found, but on a basis of when we can fix each individual one. Our machines may not have been in the area at the time, so we were most likely fixing other ones, but not that one at that given point.

Q. At what given point?

A. Well, right after the test.

Q. Okay. What about in the period between June 8th, 2004, and July 3rd, 2004?

A. We had not done work on that specific defect. We had been doing work on other ones.

Q. Why would you not elect to perform work at this location on this defect in the period June 8, 2004, to July 3rd, 2004?

A. It wasn't that we had not elected to. We hadn't got to it yet.

Q. So you gave priority to repairing other defects over repairing this defect; is that a correct statement?

A. I don't know as it was on a prioritization basis, just necessarily first come-first served, or what we came across first.

Q. So if one defect was worse than another, that wouldn't enter into your thinking as to when you address it?

A. It would be based on the condition that existed and how it would be prioritized, but they were -- if they were something we could provide remedial action by slow-ordering the track, we did.

Q. Okay, was it you were addressing the defects on a first-come-first-serve basis, or addressing defects based on a prioritization?

A. There's two levels of defect in my mind that we look at. One that shows a Class 0, which needs to be addressed immediately. That it is not necessarily safe for operations. Those are the first. Those are prioritized. We have to do those first. And then after that, it becomes a basis of when we can get the machine to them. Usually we do them in order, first come, first serve. If there's a larger problem that is going to take more time and effort, we may jump over that and prioritize in that respect. There's not a great deal of thought that goes into let's fix these, if we had 50 defects, let's fix them in this order, 1, 2, 3, all the way up to 50 -- that's not the case. There are some that require immediate attention, other ones that we can do in a first-come-first-serve basis.

Q. Could you take a look at Lawyer Exhibit 2 again, which is the test results?

A. Okay.

Q. Could you go through here and identify for me, anyway, what some of the more significant defects would be?

A. As far as prioritization?

Q. Yes.

A. The first page would be marked in the third

column as 120.99. It's a cross level defect.

Q. And what type of defect is a cross level defect?

A. It's a the maximum allowable, and this is in tangent track, cannot be more than three inches. This is 3.31.

Q. Does that have any relation at all to a warp condition?

A. No, they're two different defects. They're both with regard to geometry of track, but --

Q. And why would you consider that to be a more significant defect than a warp condition?

A. Because the limiting class was 0, meaning that it needed to be resolved before we could send another train over it.

Q. Okay, whether trains could operate over the line -- Was your main consideration keeping trains running when you decided which defects to address?

A. Yes.

Q. And that consideration was driven by basically the track class that was identified by the test truck? What I'm trying to get at is on these test results, wherever there's a limiting class of zero, a train could not operate over that segment of track until the defect was corrected; is that a true

statement?

A. Yes.

Q. So what causes -- I guess what I'm trying to get to is what causes a limiting class of zero versus a limiting class, say, of 2?

A. With respect to cause, it would depend upon the defect.

Q. In other words, does a more severe defect lead to a lower limiting class, is I guess basically what I'm asking.

A. Yes.

Q. And during the period June 8th to July 3rd, 2004, were all of the areas identified by a limiting class of zero addressed by New England Central?

A. Yes.

Q. Was that basically done right after June 8th, 2004?

A. As I recall, everything was dealt with on June 8th that was found on June 8th with respect to zeroes.

Q. Then what's the next -- what would the next category of defects be for remedial action? You've taken care of the limiting class zero. What was your plan -- or New England Central's plan, for that matter -- to address the additional defects on this

report?

A. It would be dependent upon the type of defect and what the repair would be. For instance, if it was a short gauge defect that didn't involve our tamper and regulator to travel to it, we could take a truck with a couple guys in it and repair the defect. So that was based, I guess, upon what the repair would be and the magnitude of it. If it was a geometry condition or a surface condition that would require the tamper to do work on it, we would wait for the tamper to get to that point, because it's not cost-effective to travel it up and down the track. You travel it in one direction and hit every defect as you come to it, first-come, first-served.

Q. And where did the -- okay, so for any of the limiting Class 3 defects were tampers and regulators --

A. I don't recall specifically.

Q. Would a tamper or a regulator be necessary to rectify a condition identified as cross level?

A. Not necessarily.

Q. Could you flesh that out a bit?

A. You could do it by hand. Meaning -- well, there's a couple different alternatives. Jacking the track with track jacks and tamping with a

tamping stick to get the stone underneath the ties could be done. It's a more labor-intensive and time-consuming deal, but in this event, if we had a zero, we would have done that if the tamper wasn't close by.

Q. Could that method have been used at Milepost 10.16, as well?

A. Could have been, yeah.

Q. So it's safe to say that after June 8th, you and/or NECR came up with a plan to address the defects noted on Lawyer Exhibit 2, correct?

A. Yes.

Q. Who was involved in those discussions?

A. It would have been myself and Richard Boucher.

Q. Anyone else?

A. Possibly Joe Spirk, the chief engineer.

Q. What about Charles Moore?

A. He would have probably not been terribly involved in the decision on how to address them.

Q. How many discussions do you think you had with Mr. Boucher regarding a plan to address these defects?

A. It would be hard to say. We speak daily, discuss status.

Q. Would he ever submit anything in writing to

EXHIBIT "B"

Volume 1, Pages 1-180

Exhibits: 10-26

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CENTRAL RAILROAD, INC.,

Plaintiff

v. Docket No. 04-30235-MAP

SPRINGFIELD TERMINAL RAILWAY COMPANY and BOSTON AND MAINE CORPORATION,

Defendants

RULE 30(b)(6) DEPOSITION OF SPRINGFIELD TERMINAL RAILWAY COMPANY by ROGER D. BERGERON

Thursday, January 11, 2007, 10:11 a.m.

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A. Warp, W-a-r-p, 62.

Q. Now, in that report on that page, do you see any exceptions taken at 10.18 by the FRA?

A. At 10.18, no, I do not.

Q. Do you see any exceptions taken at 10.17?

A. No, I do not.

Q. What about 10.19?

A. No, I do not.

Q. The only exception -- let me make sure I phrase this correctly -- at milepost 10 or thereabouts, between 11 and 10, was the one at 10.16, correct, according to the geometry test results?

A. According to their decimal location, there's an indication that at 10.16 there was a warp.

Q. In that report off to your right on that same line, it gives a longitude and latitude of that location, correct?

A. That is correct.

Q. And if you and I were to go with our GPS and plug in that longitude and latitude, we could go out and locate that according to that data, correct?

A. You can get pretty close to it, correct.

Q. You should be able to get almost on top of it, correct?
A. Almost, but not quite.
Q. Almost. I've given you the fudge factor there.
A. Yeah.
Q. Now, 10.16 and 10.18 are how many feet apart, those two mileposts?
A. Between 10.16 and 10.18?
Q. Yeah.
A. Theoretically, under railroad terms, it would be 104 feet apart roughly.
Q. How long is a freight car?
A. 65 feet. Well, they come in various sizes.
Q. Well, how long would you say that freight car is in Exhibit 19?
A. I don't know specifically how long this freight car is.
Q. Okay.
A. But freight cars vary in length from, you know, 55 feet over the coupler to over the coupler, to 65 feet over the coupler to over the coupler.
Q. So it's approximately -- it could be two car lengths apart or it could be 1 1/2 car lengths

apart, those two mileposts, milepost 10.16 and 10.18?

A. It could be.

Q. It's 52.8 feet for every hundredth mile, right?

A. Yes.

Q. Just want to make sure we're using the same math, that's all.

Now, did you sketch out the mark on the rail and diagram the length of the mark on the rail from the flange as the wheel rose or lifted to the time it left the rail?

A. I'm not following.

Q. When you found your point of derailment at approximately 10.18, and you said earlier that you saw this marking on a rail head, did you at any point sketch that, draw it out?

A. No, I did not draw it out.

Q. Did you have a camera with you?

A. I did not, no.

Q. Did Mr. Griffiths?

A. Not at the time, no.

Q. So neither one of you took a picture of it or drew it out?

EXHIBIT "C"

000803

NECR-0456
NH State Line to VT State Line
NECR

Exception Report
Quick Exception List
MP 131 to MP 121

MP	Feet	Decimal	Parameter	Value	Length	TSC	L-P Class	Track	Latitude	Longitude
14	003195	13.40	Warp 62	2.53	14	T	1 3	5	43.631789	-072.330938
14	003216	13.39	Warp 62	2.50	21	T	1 3	5	43.631733	-072.330955
14	003899	13.26	Warp 62	2.29	20	T	1 3	5	43.629898	-072.331450
13	005288	13.00	Down MP	13.00					43.626187	-072.332610
13	001290	12.76	Crosslevel	1.94	2	T	2 3	5	43.622734	-072.333647
13	001348	12.75	Warp 62	2.20	59	T	2 3	5	43.622577	-072.333684
12	005299	12.00	Down MP	12.00					43.612155	-072.334521
12	000610	11.88	Gage Wide	57.88	4	S	1 3	5	43.610577	-072.333751
12	001496	11.72	Warp 62	2.23	60	S	2 3	5	43.609052	-072.331236
11	005270	11.00	Down MP	11.00					43.600404	-072.331130
11	004448	10.16	Warp 62	2.21	62	S	2 3	5	43.593081	-072.344186
10	005295	10.00	Down MP	10.00					43.592571	-072.347304
10	000878	09.84	RQ CB Ver P-P	0.44					43.591586	-072.350306
9	005336	09.00	Down MP	9.00					43.586660	-072.365683
8	005236	08.00	Down MP	8.00					43.578776	-072.381403
8	000496	07.91	Gage Wide	58.01	11	C	0 3	5	43.577664	-072.382453
8	004697	07.11	RQ CB Ver P-P	0.51					43.566425	-072.384375
7	005292	07.00	Down MP	7.00					43.564791	-072.384383
6	005302	06.00	Down MP	6.00					43.550259	-072.384217
5	005257	05.00	Down MP	5.00					43.536267	-072.388402
4	005308	04.00	Down MP	4.00					43.523335	-072.397012
3	005298	03.00	Down MP	3.00					43.509675	-072.399006
2	005289	02.00	Down MP	2.00					43.497811	-072.388749
1	005308	01.00	Down MP	1.00					43.483966	-072.384225
1	001474	00.72	Warp 62	2.68	39	S	1 3	5	43.479936	-072.384727
1	003443	00.35	Crosslevel	2.64	102	T	1 3	5	43.475512	-072.386703
1	004384	00.17	Gage Wide	57.88	3	S	1 3	5	43.473574	-072.388652
1	005140	00.03	Warp 62	3.26	62	S	0 3	5	43.470865	-072.389253
1	005322 -	00.01	State Line	NH					43.469802	-072.388827
169	005541	169.00	Down MP	169.00					43.468446	-072.388259
169	000283	168.86	Warp 62	2.43	62	S	1 3	5	43.466661	-072.388046
169	000303	168.85	Warp 62	2.37	60	S	1 3	5	43.466606	-072.388049
169	001366	168.31	Lmt Speed 3	47.00					43.455785	-072.387753
168	001974	168.00	Down MP	168.00					43.454719	-072.387455
168	000163	167.94	Warp 62	2.21	62	S	2 3	5	43.453352	-072.387024
168	000317	167.89	Lmt Speed 3	30.00					43.448625	-072.387966
167	002830	167.00	Down MP	167.00					43.440687	-072.390679
166	005289	166.00	Down MP	166.00					43.426254	-072.392015

NOTES:
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